THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26373 OF 2005

Dt.12.12.2005

Between:

Smt.P.Rukminamma … Petitioner

And

The District Collector, West Godavari

District, Eluru and 3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies on behalf of the respondents.

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Petitioner seeks a Writ of Mandamus to declare the cancellation orders in Roc.No.1677 of 2005 (C) dated 21.11.2005 of the third respondent and the orders dated 04.12.2005 in Roc.No.CSI.60/ Appeal/2005 of the second respondent as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the fair price shop dealer of Shop No.79 situated at Eluru Town, West Godavari District. The authorization in respect of the said shop has been issued in favour of the petitioner in the year 1973 and since then she has been distributing the essential commodities. While so,

the third respondent issued show cause notices dated 25.10.2005 to the petitioner to show cause as to why their authorization should not be cancelled within a period of seven days. The petitioner submitted her explanation vide letter dated 02.11.2005. Thereafter, the third respondent issued the impugned proceedings dated 21.11.2005 canceling the authorization of the petitioner. Against the said cancellation order, the petitioner filed an appeal along with stay application before the Joint Collector – the second respondent, who by order dated 04.12.2005 while admitting the appeals rejected the stay application.

The allegations, as seen from the show cause notice, against the petitioner is that she has obtained computerized ration cards and also coupons without obtaining the signatures of the in charge of the DPL point with malafide intention for pecuniary gains in connivance with the technical person in the DPL point. Explanation submitted by the petitioner to the show cause notice stating that there is no connection whatsoever between the technical person and the dealer and the in charge of DPL point in handing over the cards along with coupons to the concerned persons who appeared before him. It is further submitted that the petitioner has not violated any of the terms and conditions of the authorization.

The authorization of the petitioner was cancelled on the ground that there is a malafide intention in the minds of the dealers to commit irregularities for pecuniary gains. The irregularities said to have been committed by the petitioner are not specified in the cancellation order. However, the cancellation order is the subject matter of the appeal and the appellate authority by proceedings dated 04.12.2005 rejected the stay application while admitting the appeal.

Having regard to the facts and circumstances of the case and as there are no serious and grave irregularities committed by the

petitioner, the writ petition is disposed of directing the appellate authority to consider and dispose of the appeal in accordance with law as expeditiously as possible after giving reasonable opportunity to the petitioner and till then the cancellation orders of the Revenue Divisional Officer stands stayed and the petitioner may be permitted to distribute the essential commodities.

The writ petition is accordingly disposed of. No costs.

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(V. ESWARAIAH, J)

12.12.2005

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